

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

<b>MICHELLE FISCUS, M.D., FAAP,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	<b>No. 3:21-cv-00686</b>
<b>v.</b>	)	
	)	<b>Chief Judge Crenshaw</b>
<b>COMMISSIONER LISA PIERCEY, M.D.,</b>	)	<b>Magistrate Judge Newbern</b>
<b>MBA, FAAP, Tennessee Department of Health,</b>	)	
<b>in her official capacity;</b>	)	
<b>CHIEF MEDICAL OFFICER TIM JONES,</b>	)	
<b>M.D., Tennessee Department of Health,</b>	)	
<b>in his official capacity,</b>	)	
	)	
<b>Defendants.</b>	)	

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**JOINT STATUS REPORT OF CASE RESOLUTION**

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Pursuant to the Initial Case Management Order (Doc. No. 21), the parties have made a good faith effort to resolve the case. The parties have discussed their positions and potential settlement substantively.

Because the individual capacity claims have been dismissed, only Plaintiff's request for declaratory and injunctive relief remain. (Doc. No. 25.) Courts use a balancing test to determine what a name-clearing hearing "should entail and what its limit might be in each case." *Gunasekera v. Irwin*, 551 F.3d 461, 470 (6th Cir. 2009). Thus, the various components of a hearing may lend itself to negotiation.

Plaintiff has made a demand and in response the parties have discussed and continue to discuss possible means of resolution. The parties do not think mediation or ADR would assist at this time but will consider those options as settlement negotiations and discovery progress.

Respectfully Submitted,

DAVID RANDOLPH SMITH & ASSOCIATES

s/Christopher W. Smith

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#### **CERTIFICATE OF SERVICE**

I hereby certify that a true and exact copy of this Joint Status has been served through the e-filing system on April 4, 2022, to:

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